

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHEVRON CORPORATION,

Plaintiff,

v.

STEVEN DONZIGER, THE LAW OFFICES  
OF STEVEN R. DONZIGER; et al.,

Defendants.

Case No. 11-CV-0691 (LAK)

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**DEFENDANTS HUGO CAMACHO AND JAVIER  
PIAGUAJE AND THE DONZIGER DEFENDANTS  
OPPOSITION TO CHEVRON'S MOTION FOR LEAVE TO  
SERVE A SECOND DOCUMENT SUBPOENA ON  
AMAZON WATCH**

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In the Northern District of California, Chevron litigated and lost a Motion to Enforce Subpoenas directed at Amazon Watch. On April 5, 2013, Magistrate Judge Nathanael Cousins issued an order (1) Granting Amazon Watch's Motion to quash Chevron's subpoena for documents and its Motion to Quash Chevron's 30(b)(6) subpoena, and (2) denying Chevron's Motion to enforce subpoenas. See April 5 Order in *Chevron v. Donziger*, 13-mc-80038 CRB (NC), N. D. Cal, attached as Exh A to Dkt 1000. The District Court in the Northern District of California also previously denied Chevron's effort to transfer its Motion to Enforce Amazon Watch subpoenas to this Court. See March 13, 2013 Order in *Chevron v. Donziger*, 13-mc-80038 CRB (NC), N. D. Cal, attached as Exh F to Dkt. No. 1000.

Having lost in the Northern District of California, Chevron now comes to this Court asking for a second chance, to issue another subpoena to Amazon Watch. Chevron does this (1) despite having lost its motion in the Northern District of California, (2) despite having lost its effort to have this dispute transferred to this Court, (3) despite knowing that the December 1, 2012 deadline for document subpoenas in this case has long passed and (4) despite this Court's March 5, 2013 admonition that counsel should "cut out, on both sides, 'I made the motion, I lost. I'll make it again.' Of which both sides have been guilty, both sides. The same motion two and three times for the same relief. *And I'm not going to put up with it anymore.*" Transcript of March 5, 2013 hearing at page 33 (emphasis added).

Chevron attempts to excuse this shameless "sore loser" effort by falsely claiming that the Magistrate Judge in the Northern District "invited" Chevron to issue a new document request. Dkt. No. 1000 at page 2. That is wrong. Rather, Magistrate Judge Cousin's April 5 order quashing Chevron's subpoenas outlined what a proper subpoena might look like, and gave a deadline for any new subpoenas Chevron might issue, ***provided that*** "[t]he Court does not intend,

however, to alter Judge Kaplan's schedule and defers to his case management deadlines." *Id.* at 10. This Court's schedule set December 1, 2012 as the cutoff date for any subpoenas seeking documents from third parties. Chevron's request is thus not "invited" but actually is in contravention of Magistrate Judge Cousins' specified limitation.

For these reasons, Chevron's request should be denied.

Respectfully submitted,

Dated: April 12, 2013

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By: /s/ John W. Keker

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Dated: April 12, 2013

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